

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: THE LAW OFFICES OF WHITE &
ASSOCIATES, PLLC,
Debtor

LYNN L. TAVENNER, TRUSTEE,
Plaintiff

MARK F. WHITE,
NNIKA E. WHITE,
Defendants

Case No.

15-36223-KRH

Chapter

7

Adv. Proc No.

15-03472-KRH

EX PARTE TEMPORARY RESTRAINING ORDER¹

This matter came before the Court on the Motion of the Trustee of the Corporate Debtor, pursuant to sections 105 and 542 of the Bankruptcy Code and Bankruptcy Rule 7065 for entry of an order (A) granting relief from the automatic stay, if necessary; (B) compelling the Individual Debtors to turn over to the Trustee any and all of the Corporate Property; (C) enjoining the Individual Debtors from taking any action that would adversely impact the clients of the Corporate Debtor; and, (d) compelling the otherwise protection and preservation of said assets, and this Court having considered and reviewed the Motion, and for good cause shown, this Court finds and concludes as follows:

A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.

¹ Terms not otherwise defined herein shall have the meanings ascribed in the Motion.

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David N. Tabakin, Esquire (VSB No. 82709)
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Counsel for Lynn Lewis Tavenner, Chapter 7 Trustee

- B. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
- C. The Motion is in full compliance with all applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules of this Court.
- D. Relief from the automatic stay is warranted;
- E. There is a substantial likelihood that the Trustee will be able to make a clear showing that: (1) she is likely to succeed on the merits of her Motion and in the Complaint; (2) she is likely to suffer irreparable harm in the absence of immediate and preliminary relief; (3) the balance of equities tips in her favor; and, (4) an injunction is in the public interest;
- F. That the Individual Debtors are in possession, dominion, and/or control of Corporate Property;
- G. Given the (i) easily disposable nature of the Corporate Property; (ii) the prior conduct of the Individual Debtors; and, (iii) White's conduct post-petition, the bankruptcy estate will suffer immediate and irreparable injury, loss, and/or damage if the Motion is not granted.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Motion is hereby GRANTED on an emergency basis for a period of five days.
2. The parties are to attend a hearing on the Motion on Wednesday, December 9, 2015 at 2:00 PM at the United States Bankruptcy Court, 701 East Broad Street, Courtroom 5000, Richmond, VA 23219.
3. The United States Marshals Service is hereby directed to assist the Trustee effect the execution of this Order.
4. To the extent necessary, relief from the automatic stay in the Individual Case is hereby granted retroactively to December 4, 2015.

5. For a period of five days, unless otherwise terminated and/or extended by order of this Court the Individual Debtors are hereby: (i) compelled to turn over any and all Corporate Property to the Trustee; (ii) immediately return said Corporate Property to the Trustee so that she may protect and preserve said Corporate Property for the benefit of the Corporate Estate; (c) enjoined from exercising any possession, dominion, and/or control in any fashion over any Corporate Property; and, (d) enjoined from taking any action that would adversely impact the clients of the Corporate Debtor.
6. Upon entry of this order, the Clerk is directed to forward copies to all parties listed on the Service List attached hereto.

Entered: **Dec 7 2015**

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

I ask for this:

ENTERED ON DOCKET: Dec 7 2015

By: /s/ Paula S. Beran
Lynn L. Tavenner, Esquire (VSB No. 30083)
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Counsel for Lynn L. Tavenner, Trustee

CERTIFICATION

I hereby certify that pursuant to Rule 7065 of the Federal Rules of Bankruptcy Procedure the foregoing Temporary Restraining Order has been endorsed by all necessary parties.

/s/Paula S. Beran

Paula S. Beran

SERVICE LIST

United States Marshals Service
701 East Broad Street
Richmond, VA 23219

Lynn L. Tavenner, Esquire
Tavenner & Beran
20 North 8th Street
Richmond, Virginia 23219